

**MINUTES FOR THE COURT OF APPEAL
STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT**

February 3, 2004

DIVISION THREE

B162427 Ernest P. Rodrigues
v.
El Monte Rents, Inc., et al.

Filed order denying petition for rehearing.

DIVISION FOUR

B163593 Kaufman (Not for Publication)
v.
Reed

The judgment is affirmed. Respondents are to have their costs on appeal.

Epstein, Acting P.J.

We concur: Hastings, J.
Curry, J.

DIVISION FIVE

Court convened at 9:00 a.m.

Present: Turner, P.J., Grignon, J., Armstrong, J. and J. Belcher, Deputy Clerk.

Each of the following:

B166421 Peo v. Black
B163455 Peo v. Galvan
B167684 Peo v. Bushman
B164489 Peo v. Wynne

DIVISION FIVE (Continued)

Each of the following (continued):

B167867 Peo v. Sanchez
B169158 Peo v. Taylor
B167228 DCFS v. Mitchell C.

Argument waived, cause submitted.

B167286 Will Leader
v.
Russell Iungerich, et al.

Merits:

Argued by William Leader appellant in propria persona and by Cheryl A. Orr for respondents. Cause submitted.

B166523 Michael Cervantes
v.
Athens Services

Merits:

Argued by Ronald W. Novotny for appellant and by Karl Gerber for respondent. Cause submitted.

B166523 Michael Cervantes
v.
Athens Services

Merits:

Argued by Ronald W. Novotny for appellant and by Karl Gerber for respondent. Cause submitted.

DIVISION FIVE (Continued)

B167845 People
 v.
 Nolan McCarter

Merits:
Argued by Lynnette Gladd Moore for appellant and by Stephanie A. Miyoshi, deputy attorney general, for respondent. Cause submitted.

B158986 Pamela Mozer, et al.
 v.
 Rene Kreitenberg, et al.

Merits:
Argued by Sara Pfrommer for appellants and by Dennis P. Riley for respondents. Cause submitted.

B165012 Semco Laser Technology
 v.
 Jose Yow & Associates, et al.

Merits:
Argued by Steven J. Cote for appellant and by Douglas J. Collodel and Joe M. Agapay for respondents. Cause submitted.

Court recessed at 10:45 a.m.

Court reconvened at 11:15 a.m.

Present: Turner, P.J., Armstrong, J., Mosk, J., and J. Belcher, Deputy Clerk.

Each of the following:

B169816 Peo v. William P.
B168578 Peo v. Snider
B165871 Peo v. Torres
B166936 Peo v. Padilla
B166431 Peo v. Rodriguez

Argument waived, cause submitted.

DIVISION FIVE (Continued)

B164931 People
 v.
 Edgar Maldonado

Merits:

Argued by Laura Grace Schaeffer for appellant and by Robert C. Schneider, deputy attorney general, for respondent. Cause submitted.

Court recessed at 11:35 a.m.

Court reconvened at 1:00 p.m.

Present: Turner, P.J., Armstrong, J., Mosk, J., and J. Belcher, Deputy Clerk.

B160875 Sergio Brizuela
 v.
 Calfarm Insurance Company

Merits:

Argued by Andrew N. Chang for appellant and by Nina E. Scholtz for respondent. Cause submitted.

B162246 Carl Jimena
B163780 v.
 111 Zuma Corporation

Merits:

Argued by Carl L. Jimena for appellant in propria persona and by Charlotte E. Costan for respondent. Cause submitted.

Court adjourned at 1:40 a.m.

February 3, 2004 (Continued)

DIVISION SIX

[illegible]

The judgment is affirmed.

Perren, J.

We concur: Yegan, Acting P.J.
Coffee, J.

B161051 Glenn Ackerman, etc. (Not for Publication)
v.
James Cunningham, Jr., et al.

The judgment of dismissal is affirmed and the postjudgment order denying the motion to tax attorney fees and costs is also affirmed. The parties shall bear their own costs on the appeal.

Perren, J.

We concur: Gilbert, P.J.
Yegan, J.

B165463 People (Not for Publication)
v.
Nunez

The judgment is affirmed.

Coffee, J.

We concur: Gilbert, P.J.
Yegan, J.

February 3, 2004 (Continued)

DIVISION SIX (Continued)

[illegible]

The judgment is affirmed.

Perren, J.

We concur: Gilbert, P.J.
Yegan, J.

B165063 People v. Adams (Not for Publication)

The judgment is affirmed.

Gilbert, P.J.

We concur: Yegan, J.
Perren, J.

B165929 People (Not for Publication)
v.
Hosea

The judgment is affirmed.

Coffee, J.

We concur: Gilbert, P.J.
Perren, J.

February 3, 2004 (Continued)

DIVISION SIX (Continued)

B166136 People (Not for Publication)
v.
Karabajakyan

The judgment is affirmed.

Perren, J.

We concur: Yegan, Acting P.J.
Coffee, J.

B166229 McCarley (Not for Publication)
v.
Nairne

The summary judgment in favor of the Nairnes and Nairmac is reversed. Upon remand, summary adjudication shall be granted in favor of the Nairnes and Nairmac as to the following causes of action: fraud (second cause of action), conversion (third cause of action), unfair business practices (sixth cause of action), wrongful termination (seventh cause of action), intentional infliction of emotional distress (eighth cause of action), constructive fraud (tenth cause of action) and appointment of a provisional director (twelfth cause of action). Summary adjudication shall be denied as to the remaining causes of action for breach of written contract (first cause of action), breach of fiduciary duty (fourth cause of action), breach of the covenant of good faith and fair dealing (fifth cause of action), breach of shareholders' agreement (ninth cause of action), removal of corporate director (eleventh cause of action), accounting (thirteenth cause of action) and declaratory relief (fourteenth cause of action). But, as discussed in the body of this opinion, some of the alleged acts on which these remaining claims are based fall outside the four-year statute of limitations applicable to them. Should the case proceed to trial, recovery may not be had for acts occurring before July 13, 1997. The parties shall bear their own costs on appeal.

Coffee, J.

We concur: Gilbert, P.J.
 Yegan, J.

DIVISION SEVEN

B172854 Sigue Corporation v. S.C.L.A. (Heidi Wengert, r.p.i.)
B171998 Diaz, Sigue Corporation and Chavez v. S.C.L.A. (Heidi Wengert, r.p.i.)

Filed order consolidating above captioned matters.

DIVISION EIGHT

B167921 People v. Ornelas (Not for Publication)
B171151 In re Eduardo Ornelas On Habeas Corpus

The judgment is modified to strike the one-year enhancement imposed pursuant to section 667.5 (b). the trial court is directed to correct the abstract of judgment to: (1) reflect this modification, and (2) reflect imposition of a \$200 (rather than \$300) fine pursuant to section 1202.4(b). the trial court shall forward a certified copy of the corrected abstract to the Department of Corrections. In all other respects, the judgment is affirmed. The petition for writ of habeas corpus is denied.

Rubin, J.

We concur: Cooper, P.J.
 Flier, J.